

Message Text

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PAGE 01 VALLET 01495 191424Z

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ACTION EUR-25

INFO OCT-01 ADP-00 SCS-03 SCA-01 L-03 H-03 SY-10 PM-07

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----- 128724

R 191125Z JUL 73

FM AMEMBASSY VALLETTA

TO SECSTATE WASHDC 4571

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E.O. 11652: N/A

TAGS: CASC/MT

SUBJ: FEATHERSTONE CASE

REF: STATE 126483

1. BEFORE CARRYING OUT INSTRUCTION REFTEL WITH CROWN ADVOCATE GENERAL MIZZI, AMBASSADOR HAD RAISED QUESTION AGAIN WITH GOVERNOR GENERAL IN HOPE THAT HE MIGHT BE WILLING TO PLAY HELPFUL ROLE. GOVERNOR GENERAL, WHILE ENTIRELY SYMPATHETIC, DID NOT GIVE US HOPE THAT HE WOULD BE LIKELY TO INTERVENE. NEVERTHELESS, IF HE IS BROUGHT INTO GOM CONSIDERATION OF QUESTION HE WILL UNDOUBTEDLY RECOMMEND FEATHERSTONE'S RETURN.

2. AMBASSADOR MET WITH MIZZI JULY 19. AFTER NOTING THAT THIRD ANNIVERSARY OF FEATHERSTONE'S CONFINEMENT APPROACHING, AND TOUCHING ON HUMANITARIAN ASPECTS, AMBASSADOR REVIEWED U.S. ABILITY TO RECIPROCATATE AS PRESENTED TO MIZZI EARLIER ON BASIS STATE 186217. MIZZI WAS THEN GIVEN INFORMATION ON SECRETARY OF NAVY INTENTIONS FROM PARA 2 REFTEL. ENSUING DISCUSSION COVERED MUCH OF SAME GROUND GONE OVER IN LAST EXCHANGES WITH MIZZI, AND HE REITERATED THAT HE DID NOT WISH TO USE DEPORTATION ACT. NEVERTHELESS, HE WAS WILLING TO REVIEW QUESTION AGAIN WITH THOUGHT THAT WHAT HE DESCRIBED AS "EXERCISE OF MERCY" WOULD BE CONCEIVABLE WAY OUT.

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PAGE 02 VALLET 01495 191424Z

HOWEVER, HE WAS CLEARLY SENSITIVE TO POSSIBILITY THAT

FEATHERSTONE MIGHT BE FOUND NOT REPEAT NOT DANGEROUSLY
INSANE, AND MIGHT BE RELEASED SHORTLY AFTER BEING TURNED
OVER TO U.S. CUSTODY. MIZZI SPECIFICALLY ASKED IF
THERE COULD BE ANY WAY OF GIVING ASSURANCES TO GOM PRIOR
TO TRANSFER OF CUSTODY, E.G. COULD U.S. NAVY PSYCHIATRISTS
EXAMINE FEATHERSTONE ON MALTA AND PROVIDE GOM WITH
THEIR DETERMINATION BEFORE TRANSFER? AMBASSADOR REPLIED
THAT HE WAS UNABLE TO GIVE ANSWER ON SPOT, BUT WOULD
MAKE INQUIRY.

3. COMMENT: MIZZI MADE IT QUITE CLEAR THAT GOM IS
UNWILLING TO FACE SITUATION IN WHICH FEATHERSTONE IS
TRANSFERRED TO U.S. CUSTODY AND RELEASED SHORTLY THEREAFTER.
IF U.S. MEDICAL AUTHORITIES COULD EXAMINE FEATHERSTONE
ON MALTA WITH A RESULT THAT CONFINEMENT IN ST. ELIZABETH'S
WOULD BE ASSURED FOR A FURTHER PERIOD OF AT LEAST A YEAR AFTER
TRANSFER, WE THINK THAT CHANCES ARE FAIRLY GOOD THAT GOM WOULD
AGREE TO TRANSFER. IF, ON OTHER HAND, U.S. PSYCHIATRISTS
WERE OF OPINION FEATHERSTONE NOT REPEAT NOT DANGEROUSLY
INSANE, CASE WOULD PROBABLY GO BACK ON ICE FOR ANOTHER
YEAR. WOULD APPRECIATE EARLY ANSWER TO MIZZI'S QUESTION.
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